THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27093 of 2007

Between:

Pattapagalu Varaprasad .. PETITIONER

and

The State of A.P. and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27093 of 2007

ORDER:

It is the case of the petitioner that he was elected as Sarpanch of Rajavolu Gram Panchayat, Rajahmundry Rural Mandal, East Godavari District, Kakinada. While so, the District Collector (P.W), East Godavari District, Kakinada, issued notice in Roc.No.3422/2007/A11, dated 20-11-2007 alleging that the petitioner has indulged in some irregularities and accordingly he was called upon to submit explanation within seven days as to why appropriate action shall not be taken against him. In the said show cause notice, two references have been made. The 1st reference is with regard to the petition filed by one Sri J.Nageswara Rao and others and the 2nd reference is with regard to the report submitted by the 3rd respondent in Roc.No.1447/07-C, dated 14-11-2007. Pursuant to the said show-cause notice, the petitioner submitted representation before the 2nd respondent on 26-11-2007 requesting to direct the 3rd respondent to furnish Photostat copies of all the documents seized by him namely Agenda, Resolution, Attendance Books from August, 2006, M.Books, Vouchers, Cash books etc., so as to enable him to submit suitable explanation. Pursuant to the said representation, the District Collector (P.W.) issued another notice dated 11-12-2007 asking the petitioner to submit explanation within five days. Aggrieved by the same, the petitioner filed the present writ petition stating that the 3rd respondent has not furnished the required documents as asked by him and, therefore, he could not file explanation within five days.

I am of the opinion that the principles of natural justice is required to be followed in considering the request of the petitioner for furnishing the required documents. If the said documents are not furnished, there may be deficiency in observing the principles of nature justice.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 3rd respondent to furnish copies of the report submitted by him on 14-11-2007 in Roc.No.1447/07-C and the petition submitted by one Sri J.Nageswara Rao and others, as well as the

documents seized by him namely Agenda, Resolution, Attendance Books from August, 2006, M.Books, vouchers, cash books etc., within ten days from the date of receipt of a copy of this order. On furnishing the said documents, the petitioner shall file explanation within one week thereafter, so as to enable the 2nd respondent to take appropriate action in accordance with law. There shall be no order as to costs.

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20-12-2007

Prv